

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA : **FINAL ORDER OF**
: **FORFEITURE**
:
-v.- : 21 Cr. 139 (AJN)
:
ELVIS CAPELLAN, :
:
Defendant. :
:
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WHEREAS, on or about July 21, 2021, this Court entered a Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment (the “Preliminary Order of Forfeiture”) (D.E. 22), which ordered the forfeiture to the United States of all right, title and interest of ELVIS CAPELLAN (the “Defendant”) in the following property seized on or about November 19, 2020 from the Defendant at the time of his arrest at John F. Kennedy International Airport:

- a. Approximately \$9,400 in United States currency;
- b. One Black Apple iPhone, IMEI 35 299909 988350 3;
- c. One Black Apple iPhone 7 Plus, IMEI 35 537508 291022 2;
- d. One Black Apple iPhone 8 Plus, IMEI 35 483209 999260 2;
- e. One Black Apple iPhone XS Max, IMEI 35 726309 489575 5;
- f. One Blue Apple iPhone 12 Pro Max, IMEI 35 671511 231846 7;
- g. One Gray Apple iPhone 12 Pro Max, IMEI 35 671511 285180 6;
- h. One Green Apple iPhone, IMEI 35 389910 230299 7;
- i. One Green Apple iPhone 11 Pro, IMEI 35 323410 023656 9;
- j. One Green Apple iPhone 11 Pro Max, IMEI 35 390410 096149 5;
- k. One Rose Gold Apple iPhone 12 Pro Max, IMEI 35 671211 219389 1;

1. One Rose Gold Apple iPhone 12 Pro Max, IMEI 35 671211 721904 8;
 - m. One Rose Gold Apple iPhone XS, IMEI 35 720309 008769 2;
 - n. One Rose Gold Apple iPhone XS Max, IMEI 35 727509 854968 3;
 - o. One Samsung Galaxy A51, IMEI 3540 3011 6187 591;
- (a. through o., collectively, the “Specific Property”);

WHEREAS, the amount of currency listed as item (a), *supra*, was determined to be exactly \$9,400 in United States currency now held by the United States Marshals Service under asset ID number 21-USP-001021, and such asset is included in the Specific Property subject to this Final Order of Forfeiture;

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States' intent to dispose of the Specific Property, and the requirement that any person asserting a legal interest in the Specific Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). The Preliminary Order of Forfeiture further stated that the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Specific Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Specific Property before the United States can have clear title to the Specific Property;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose

of the Specific Property was posted on an official government internet site (www.forfeiture.gov) beginning on December 15, 2021, for thirty (30) consecutive days, through January 13, 2022, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on April 8, 2022 (D.E. 26);

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims to contest the forfeiture of the Specific Property have been filed;

WHEREAS, the Defendant is the only persons and/or entities known by the Government to have a potential interest the Specific Property;

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

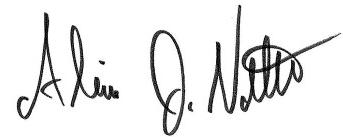
1. All right, title and interest in the Specific Property is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.
2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Specific Property.

3. The United States Marshals Service (or its designee) shall take possession of the Specific Property and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York

April 18, 2022

SO ORDERED:



HONORABLE ALISON J. NATHAN
UNITED STATES CIRCUIT JUDGE
SITTING BY DESIGNATION